

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 19-20321

Derrick Potter,

Sean F. Cox

United States District Court Judge

Defendant.

_____ /

ORDER DENYING
DEFENDANT'S REQUEST FOR COUNSEL

Acting *pro se*, Defendant filed a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A), based upon concerns about the ongoing novel coronavirus pandemic. Defendant has also requested that this Court to appoint counsel for Defendant, for purposes of assisting him with his Motion for Compassionate Release.

The Sixth Amendment secures to a criminal defendant who faces incarceration the right to counsel at all “critical stages” of the criminal process. *United States v. Wade*, 388 U.S. 218, 224 (1967). The United States Supreme Court had held that a prisoner’s post-conviction right to counsel extends only to the first appeal of right and no further. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). Thus, the decision whether to appoint counsel for Defendant for purposes of filing a motion for compassionate release is a decision within the sound discretion of a district court. *United States v. Stephens*, 2020 WL 3250226 at *2 (E.D. Mich. June 16, 2020).

Motions for Compassionate Release are not complex, either legally or factually, and Defendant was able to draft and file a motion on his own. Accordingly, IT IS ORDERED that

Defendant's motion seeking appointment of counsel is DENIED.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: May 31, 2022